

SIKKIM

GOVERNMENT GAZETTE

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**GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GANGTOK.**

No. 6(69)2019

Dated: 25/09/2007.

NOTIFICATION

In exercise of the powers conferred by section 16, Section 20 and Section 364 of the Sikkim Municipalities Act, 2007 (5 of 2007), the State Government hereby makes the following Rules, namely:-

**Short title and
commencement**

1. (1) These rules may be called the Sikkim Municipalities (Election of Mayor and Deputy Mayor of Municipal Corporation, Municipal Chairperson and Municipal Vice-Chairperson of Municipal Council, Municipal President and Municipal Vice-President of Nagar Panchayat and Members of Executive Authority in the Municipalities and the Manner of Convening Meetings) Rules, 2007.

- (2) They shall come into force on the date of their publication in the Official Gazette

Definitions.

2. (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Sikkim Municipalities Act, 2007;
 - (b) "ballot box" includes any box or other receptacle used for insertion of Ballot Papers by voters;
 - (c) "candidate" means a person who has been or claims to have been duly proposed and seconded as a candidate at any election by the members;
 - (d) "Chief Councillor" means a Mayor in Municipal Corporation, Municipal Chairperson in Municipal Council and a Municipal President in a Nagar Panchayat, as the case may be;
 - (e) "Deputy Chief Councillor" means a Deputy Mayor in Municipal Corporation, Municipal Vice-Chairperson in Municipal Council and a Municipal Vice-President in a Nagar Panchayat, as the case may be;
 - (f) "Executive Member" means member elected to the Executive Authority of a concerned Municipality under sub-section (3) of section 20;
 - (g) "Form" means a form appended to these rules and includes form in any of the languages used for the official purposes of the State of Sikkim;
 - (h) "Municipality" means a municipality of any description and includes a Municipal corporation, a Municipal Council and a Nagar Panchayat;
 - (i) "Prescribed Authority" means the Secretary in the Urban Development and Housing Department, Government of Sikkim or such other officer as may be authorized by the prescribed authority;
 - (j) "section" means a section of the Act;

- (2) Words and expression used in these rules and not defined but defined in the Act or the Sikkim Municipalities (Conduct of Election) Rules, 2007 shall have the meaning respectively assigned to them in the Act and the said rules.
- Election of Chief Councillor, Deputy Chief Councillor and Executive Members of Municipality

Election of Chief Councillor Deputy Chief Councillor and Executive Members of Municipality.

3. (1) The constitution of Municipality, as soon as may be, after election under section 12 read with section 14 shall be published in the Official Gazette.
- (2) Immediately after the constitution of Municipality but before the expiration of thirty days from the date of publication of Notification under sub-rule (1), the prescribed authority shall call a meeting of all members of such Municipality for taking oath of office and for the election of the Chief Councillor, the Deputy Chief Councillor and such other Councillors to be the members of the Executive authority of such Municipality as provided under sub-rule (3) by filling of Form-1.
- (3) As per the provisions of section 20, the composition and strength of the Executive Authority in case of various urban areas shall consist of such member of Councillors as specified in the Table below:-

The Table

Type of Municipal Body	Executive Authority	Maximum Number
Municipal Corporation	Mayor	1
	Deputy Mayor	1
	Member, Executive Authority (Executive Councilor)	3
	Total	5
Municipal Council	Municipal Chairperson	1
	Municipal Vice-Chairperson	1
	Member, Executive Authority	1
	Total	3
Nagar Panchayat	Municipal President	1
	Municipal Vice-President	1
	Member, Executive Authority	Nil
	Total	2

- (4) Such meeting shall be presided over by the prescribed authority or such official as may be authorized by the prescribed authority (hereinafter referred to as the Presiding Officer). The Presiding Officer shall not be entitled to vote at the election.
- (5) On the date of the meeting if there is no two third of the total numbers of members present in the meeting within an hour of the time fixed for the meeting, the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of the Municipality referred to the sub-rule (1) shall apply.
- Provided that no two third shall be necessary for adjourned meeting.
- (6) The members who are required to take oath of office under Section 16 shall, before taking their seats make and subscribe an oath or affirmation before the Presiding Officer according to the form set out for the purpose in the Schedule appended to the Act.
- (7) The Presiding Officer shall, immediately after the commencement of the meeting, call upon the elected members present to propose and second the name of the candidates from amongst themselves for election of the Chief Councillor of the Municipality. He shall record the name of the candidates proposed together with the name of the proposers and seconders. The Presiding Officer shall reject any proposal if the candidate refuses to stand for the election and he may not accept any proposal after the list of candidates has been finalized by him;

Provided that while proposing the candidates under this sub-rule, the Presiding Officer shall give due regard to the reservation of the Office of Chief Councillor as notified under sub-section (4) of section 15 of the Act:

Provided further that the reservation under the first proviso shall be given by rotation to different Municipality in such manner as the State Government may by Notification, from time to time, specify.

- (8) If only one candidate is proposed and seconded the Presiding Officer shall declare him to be duly elected Chief Councillor of the Municipality by filling of Form – 2.
- (9) If more than one candidate have been proposed and seconded and have agreed to stand for the election, the Presiding Officer shall conduct election in the following manner, namely:-
 - (a) The Presiding Officer shall cause to be prepared many ballot papers as there are members present containing the name of candidates arranged according to the alphabetical order of their surnames in Form – 3 in such language or languages as the prescribed authority may direct;
 - (b) The Presiding Officer shall, immediately before the commencement of the election, satisfy all members present that the ballot box is empty and also allow to the members present to inspect the ballot box and thereafter secure and seal such ballot box and have it kept at a place which can be seen by himself and all the members present;
 - (c) The Presiding Officer shall, thereafter, hand over one such ballot paper as prepared under clause (a) to each member present after putting his/her initial on the back of each ballot paper. He/she shall then ask each member turn to record his/her vote at table so placed that no other person can see such member while putting the mark 'X' in the place provided for the purpose in the ballot paper opposite the name of the candidate for whom he intends to vote, to fold in up and insert it into the ballot box.
 - (d) If a member is unable to write or is physically incapacitated from voting, the Presiding Officer shall, at the request of such member, take him to record his vote to the tables so placed, ascertain his choice and accordingly mark the ballot paper fold it up and insert it into the ballot box. The Presiding Officer shall cause such arrangements to be made as to ensure secrecy of the ballot paper.
- (10) Immediately after the voting is over, the Presiding Officer shall open the ballot box in the presence of the members present, take out the ballot papers there from, count them and record the number thereof in Form – 4.
- (11) The Presiding Officer shall reject any ballot paper if-
 - (a) it bears the signature of the voter or contains any word and sign or visible representation by which such voter can be identified; or
 - (b) the mark 'X' is placed against more than one name; or
 - (c) the mark 'X' is so placed thereon as to make it doubtful for which candidate the vote was intended to be given; or
 - (d) it does not bear the signature of the Presiding officer.
- (12) After completion of counting and recording the number of votes received by the candidate, the Presiding Officer shall declare the candidate who has secured the highest numbers of vote to be duly elected Chief Councillor of the Municipality. In case of equal number of votes being recorded in favour of two or more candidates selection shall be made from such candidates by draw of lots in such manner as the Presiding Officer shall deem fit and thereupon the candidate thus selected shall be declared to be duly elected as Chief Councillor of the Municipality.
- (13) After the election of the Chief Councillor, election of the Deputy Chief Councillor and Executive Members shall be taken up and shall be conducted in the same manner as specified in sub-rules (5), (6), (7), (8) and (9).
- (14) The Presiding Officer shall forward the name of the Chief Councillor, the Deputy Chief Councillor and the Executive Members to the District Collector of the concerned district who shall publish the same and forward the names of the Chief Councillor, Deputy Chief Councillor and the Executive Members to the Secretary in the Urban Development and Housing Department, Government of Sikkim for information and such election or nomination shall be published by the State Government by notification.
- (15) The Forms and other paper relating to the election of Chief Councillor, Deputy Chief Councillor and Executive Members shall be sent by the Presiding Officer to the prescribed authority for safe custody. The prescribed authority shall keep the paper in safe custody for six months after which this Form and paper may be destroyed in such manner as the State Government may direct.

***Filling up of
casual vacancy
in the office of
the Chief
Councillor or
Deputy Chief
Councillor or
Executive
Members of
Municipality.***

4. (1) As soon as, may be, after the expiration of thirty days and not later than sixty days from the date of any casual vacancy in the office of Chief Councillor, Deputy Chief Councillor or Executive Members of a Municipality is caused by reason of death, resignation, removal or otherwise, the prescribed authority shall call a meeting of all the members of the Municipality for the election of Chief Councillor or Deputy Chief Councillor or Executive Members of the Municipality by serving on each member a notice in Form – 1 of not less than seven days specifying there in the date, place and time of such meeting.
- (2) On such meeting the procedure under sub-rules (2), (4), (5), (6), (7), (8), (9), (10), (11) and (12) of rule 3 shall be followed as far as applicable.
- (3) The Form and other papers relating to an election to fill up any casual vacancy shall be sent by the Presiding Officer to the prescribed authority for safe custody. The prescribed authority shall keep the paper in safe custody for six months after which this form and papers may be destroyed in such manner as the State Government may direct.

**TOBJOR DORJI, IAS
SECRETARY
URBAN DEVELOPMENT AND HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM.**

FORM I

(See sub-rule (2) of rule 3)

Form of notice of meeting for taking of oath and the election of *Chief Councillor, Deputy Chief Councillor and Executive Member of the Municipality.

In pursuance of the provisions under sub-rule (2) of rule 3 of the Sikkim Municipalities (Election of Mayor and Deputy Mayor of Municipal Corporation, Municipal Chairperson and Municipal Vice-Chairperson of Municipal Council, Municipal President and Municipal Vice-President of Nagar Panchayat and Members of Executive Authority in the Municipalities and the Manner of Convening Meetings) Rules, 2007, notice is hereby given for meeting of the **..... Municipal Corporation / Municipal Council / Nagar Panchayat to be held at the time, place and on the date fixed below to take oath and / or to elect *Chief Councillor, Deputy Chief Councillor and Executive Member of the Municipality.

All members of *Municipal Corporation / Municipal Council / Nagar Panchayat are requested to attend.

Date	Place	Time
(1)	(2)	(3)

Date:

Place:

Prescribed Authority

- * Strike off the words and figures which are not applicable.
- ** Appropriate particulars of the election to be inserted here.

FORM 2

(See sub-rule (8) of rule 3)

Form of declaration of result of an uncontested election of the Office of *Chief Councillor or Deputy Chief Councillor or Executive Member of the Municipality.

In pursuance of the provision under sub-rule (8) of rule 3 of the Sikkim Municipalities (Election of Mayor and Deputy Mayor of Municipal Corporation, Municipal Chairperson and Municipal Vice-Chairperson of Municipal Council, Municipal President and Municipal Vice-President of Nagar Panchayat and Members of Executive Authority in the Municipalities and the Manner of Convening Meetings)Rules, 2007, the following candidate (s) is / are hereby declared as duly elected *Chief Councillor, Deputy Chief Councillor and Executive Member of the Municipality.

Name of
Municipality
(1)

Name & Address of the
candidate (s) elected
(2)

Name of Office
to which elected
(3)

Date:

Place :

Signature of the Presiding Officer

* Strike off the words and figures which are not applicable.

FORM 3

(See sub-rule 9(a) of rule 3)

Form of Ballot Paper for election of *Chief Councillor / Deputy Chief Councillor / Executive Member of
..... Municipal Corporation / Municipal Council / Executive Member.

Serial No. (1)	Name (s) of candidate (s) (2)	For mark (x) by voter (3)
1.		
2		
3.		
4.		
5.		
6.		

Date:

Place:

(Signature of Presiding Officer)

- * Strike off the words and figures which are not applicable
- ** Appropriate particulars of the election to be inserted here.

FORM 4

(See sub-rule (10) OF Rule 3)

Form of recording the number of valid votes in an election of *Chief Councillor / Deputy Chief Councillor / Executive Member of the Municipality..

In pursuance of the provisions under sub-rule (10) of rule 3 of the Sikkim Municipalities (Election of Mayor and Deputy Mayor of Municipal Corporation, Municipal Chairperson and Municipal Vice-Chairperson of Municipal Council, Municipal President and Municipal Vice-President of Nagar Panchayat and Members of Executive Authority in the Municipalities and the Manner of Convening Meetings)Rules, 2007, the numbers of the valid votes received by candidate (s) in an election of *Chief Councillor / Deputy Chief Councillor / Executive Member of the Municipality is recorded below.

Name of Municipality	Name of candidates	Nature of office on election	Number of valid votes Secured.
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			
6.			

Date:

Place:

(Signature of the Presiding Officer)

*Strike off the words and figures which are not applicable.

**Secretary to the Government of Sikkim
Urban Development & Housing Department.**

THE SCHEDULE

Form of oath of affirmation to be made by a member of Municipal Corporation /
Municipal Council / Nagar Panchayat.

(See Section 16)

I, A. B., having been elected a member of Municipal Corporation / Municipal Council / Nagar Panchayat do swear in the name of God or solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I shall faithfully discharge the duties upon which I am about to enter.

By Order of Governor.

**Secretary to the Government of Sikkim
Law Department.**

